

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Upon entry of the present amendment, claims 22 to 25 and 27 to 34 are pending in the application. In the present amendment, claims 22 and 27 have been amended and new claims 30 to 34 have been added. Herein, support for the present amendment can be found in the specification and drawings as originally filed, for example, in the descriptions at lines 24 to 31 on page 6, lines 26 to 32 on page 7, lines 20 – 24 on page 9, lines 9 – 12 on page 14, lines 5 – 9 and 13 – 17 on page 18, lines 16 to 20 on page 20, and line 8 on page 32 to line 18 on page 35, and the depictions of figures 1B and 1D. Thus, it is respectfully submitted that no new matter is added.

Claim Rejection - 35 USC 103 -

In the outstanding office action, the examiner states that claims 22 – 25 and 27 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohanty (US2003/0216496) in view of Suzuki (US 5,683,208) and Swor (US 5,494,955).

In the present amendment, claims 22 and 27 have been amended and new claims 30 to 34 have been added.

With respect to claim 22, none of Mohanty, Suzuki, and Swor discloses or suggests at least a feature of “the layered silicate being selected from the group consisting of kanemite, makatite, magadiite, and kenyaite” as recited in claim 22.

Therefore, claim 22 as well as claims 23, 24, and 25 depending therefrom directly or indirectly are not obvious over Mohanty, Suzuki, and Swor, even for those skilled in the art at the time of the claimed invention.

With respect to claim 27, none of Mohanty, Suzuki, and Swor discloses or suggests at least a feature of "the layered silicate being selected from the group consisting of kanemite, makatite, magadiite, and kenyaite" as recited in claim 27.

Therefore, claim 27 as well as claims 28, 29, and 30 depending therefrom directly or indirectly are not obvious over Mohanty, Suzuki, and Swor, even for those skilled in the art at the time of the claimed invention.

Consequently, withdrawal of the claim rejection under 35 U.S.C. 103 is respectfully requested.

Double Patenting Rejection

In the outstanding office action, the examiner states that claims 22 – 25 and 27 – 30 are provisionally rejected on the ground of nonstatutory obvious-type double patenting as being unpatentable over claim 1 of copending application No. 11/628,625.

In the present amendment, claims 22 and 27 have been amended and new claims 30 to 34 have been added.

As a result, the claim rejection under 35 U.S.C. 103 is overcome as mentioned above, and accordingly, the provisional obviousness-type double patenting rejection is the only rejection remaining in the present application.

Furthermore, the present application (Serial No. 10/580,336) is an earlier-filed application while the copending application (Serial No. 11/628,625) is a later-filed application.

Therefore, withdrawal of the provisional obvious-type double patenting rejection is respectfully requested. (Please refer to the MPEP 804 – B – 1, “Nonstatutory Double Patenting Rejections”.)

Conclusion

In view of the foregoing, the present application is believed to be in condition for allowance and an early indication to that effect is earnestly solicited.

The Commissioner is authorized to charge any fees to Deposit Account No. 50-4424.

Respectfully submitted,

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